

EXHIBIT 1

**REDACTED VERSION
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HIGHLY CONFIDENTIAL--OUTSIDE COUNSEL'S EYES ONLY

VIDEOTAPED 30(b)(6) DEPOSITION of WAYMO LLC
by and through its Designated Representative
ASLAN (SHAWN) BANANZADEH
San Francisco, California
Thursday, August 24, 2017

Reported by:
MARY J. GOFF
CSR No. 13427
Job No. 2688513

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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Highly Confidential Videotaped Deposition of
ASLAN (SHAWN) BANANZADEH, Volume I, taken on behalf
of Plaintiff Waymo LLC, at Morrison & Foerster LLP,
425 Market Street, 33rd Floor, San Francisco,
California, 94105, beginning at 9:54 a.m. and ending
at 5:53 p.m., on August 24, 2017, before MARY GOFF,
Certified Shorthand Reporter No. 13427.

1 resistor could specify that this resistor should be 11:36:25
2 expensed against the cost for the LiDAR sensor or -- 11:36:29
3 MR. MACK: Objection. 11:36:37
4 Q (BY MS. CHANG) -- the timing board or 11:36:37
5 whatever it is that the resistor is intended to be 11:36:38
6 used for. 11:36:42
7 MR. MACK: Objection, form. 11:36:43
8 A So it -- when you say -- it -- Waymo set 11:36:44
9 up a system in the time that I have been there? I 11:36:50
10 haven't -- I haven't set up a system to say 11:36:53
11 specifically: This is the part. 11:36:56
12 Like, I don't tell someone: Go back and 11:36:57
13 revise this and tell me the exact part number. 11:37:01
14 Dating back to, let's just say, 2009, I -- 11:37:03
15 I don't know the answer whether somebody told 11:37:07
16 somebody to go give them an individual part number, 11:37:09
17 et cetera. 11:37:14
18 Q (BY MS. CHANG) Do you know if, at Waymo, 11:37:14
19 it's possible to break out each of these GL expenses 11:37:15
20 to correlate it to the various components of Waymo's 11:37:19
21 self-driving car? 11:37:22
22 MR. MACK: Objection, form. 11:37:22
23 A Like, possible -- again, like, if -- if 11:37:25
24 you told someone hypothetically to go, like, label 11:37:28
25 every P&L they put to an individual part number when 11:37:33

1	A So it -- it -- can -- can you just repeat	11:38:34
2	the question? I -- I got lost.	11:38:39
3	Q (BY MS. CHANG) You're the company	11:38:42
4	representative --	11:38:43
5	A Right.	11:38:43
6	Q -- on the cost of developing the trade	11:38:43
7	secrets? I want to know whether it's possible to	11:38:46
8	break out each of these GL account values and map	11:38:49
9	them to how much of a particular GL account relates	11:38:54
10	to a certain component on the self-driving car.	11:39:01
11	You testified that based on the	11:39:03
12	information in Exhibit 1400, which has Bates label	11:39:05
13	WAYMO-UBER-00027045, that it was not possible to	11:39:11
14	break out each GL account into the components of the	11:39:15
15	self-driving car.	11:39:20
16	Is there information available at Waymo	11:39:21
17	that would allow you to do that?	11:39:23
18	MR. MACK: Objection, form.	11:39:25
19	A So -- so I mean -- I mean, like, there's	11:39:27
20	the element of, like, did you buy -- because I	11:39:32
21	want -- I want to -- like, there's kind of different	11:39:34
22	ways of looking at it.	11:39:36
23	Did you buy a -- again, like, a resistor	11:39:39
24	for this? And did it -- what did it cost? Right.	11:39:41
25	That's -- that's one way of saying: What did it	11:39:43

1 cost to create that? Right. Well, there's that. 11:39:46
2 In contrast, if you said, for example: 11:39:48
3 What is the cost of the system as a whole, like, 11:39:50
4 insofar as it -- like, it all works together, right 11:39:55
5 like, you -- you know, there's different ways of 11:39:58
6 looking at it. 11:40:00
7 So I -- I'm going to go back to saying 11:40:00
8 that -- like: Could you say a particular part costs 11:40:03
9 this? It would be dependent on what it was coded as 11:40:06
10 and put through, right. But not knowing whether 11:40:09
11 that happened, like, I -- I can't answer that, like, 11:40:11
12 sitting here right now. 11:40:15
13 Q (BY MS. CHANG) Are you aware of any way to 11:40:18
14 break out each of these GL accounts to map onto 11:40:20
15 various components of the self-driving car? 11:40:24
16 MR. MACK: Objection, form. 11:40:30
17 A Mapping. 11:40:31
18 Q (BY MS. CHANG) So let's take one example. 11:40:31
19 Let's take the "Equipment and Related EXP" 11:40:33
20 GL account. If you look at 2016, there's a very 11:40:38
21 large number that starts with -- or that reads 11:40:47
22 [REDACTED] 11:40:53
23 Do you see that number? 11:40:59
24 A Yeah. I8? Cell -- Cell I8? Is that what 11:41:00
25 you're referring to? Right? 11:41:04

1	Q	Yes.	11:41:05
2	A	Yes.	11:41:05
3	Q	Are you aware of a breakdown of this	11:41:16
4		number at Waymo for each of the components that make	11:41:19
5		up the self-driving car?	11:41:25
6	A	So there is -- like, if you go back to the	11:41:27
7		"Raw Data" tab, right, you can obviously divide it	11:41:31
8		up by cost center, right? So that's a breakup of	11:41:33
9		that expense already.	11:41:38
10		Then when it comes to -- and that shows	11:41:41
11		you different, like, budget owners' cost center	11:41:43
12		areas. So that's, like, a division that you could	11:41:46
13		have.	11:41:48
14		As far as, like, part numbers, I think,	11:41:50
15		is -- is, like, you're trying to go farther than	11:41:52
16		saying, like, big budget areas.	11:41:55
17		But then part numbers -- in some instances	11:41:56
18		people will code to a part number. And others, they	11:42:00
19		won't. So it -- it's -- again, it's a possibility,	11:42:03
20		but I -- I don't know for a fact that that breakdown	11:42:06
21		exists.	11:42:09
22	Q	Are you aware of any information at Waymo	11:42:15
23		that would indicate how much of the "Equipment and	11:42:21
24		Related EXP" GL account relates to the LiDAR in	11:42:26
25		Waymo's self-driving car?	11:42:32

1	MR. MACK: Objection, form.	11:42:33
2	A Like, I don't think I can make that	11:42:37
3	determination. Because, again, like, what you view	11:42:39
4	the LiDAR as is -- in the con -- in the context of	11:42:41
5	the whole of the -- the -- the SDS system is	11:42:43
6	something that I don't think I can technically tell	11:42:48
7	you. So I don't think I can sit here and tell you:	11:42:51
8	This is how I would isolate that cost.	11:42:54
9	Q (BY MS. CHANG) Can -- has Waymo isolated	11:42:57
10	that cost?	11:43:00
11	A Which -- which -- sorry. When you say	11:43:00
12	"that cost," what are you referring to again?	11:43:01
13	Q The LiDAR-related cost portion -- sorry.	11:43:04
14	The LiDAR-related portion of the	11:43:07
15	"Equipment and Related EXP" GL account?	11:43:08
16	MR. MACK: Objection, form.	11:43:12
17	A My understanding is that we have experts	11:43:13
18	who are going to provide the reports and provide,	11:43:16
19	like, a conclusion about a number that relates to	11:43:18
20	that. So at least that's my understanding of what's	11:43:21
21	going on in this litigation.	11:43:24
22	Q (BY MS. CHANG) Does Waymo currently have	11:43:26
23	that information?	11:43:28
24	MR. MACK: Objection, form.	11:43:30
25	A The -- like, to the extent that the -- the	11:43:34

1	expert has, like, said there's this number that	11:43:37
2	relates to it, I know what that number is. I -- I	11:43:39
3	have seen it in interrogatory responses, yes.	11:43:42
4	Q (BY MS. CHANG) But that number is not	11:43:45
5	indicated in Exhibit 1400?	11:43:47
6	MR. MACK: Objection, form.	11:43:50
7	A I don't know if that -- that's true.	11:43:55
8	Because the -- the number, I think, is -- is	11:43:56
9	partially derived from the numbers that we provided	11:43:58
10	of how the program has, like, expensed things over	11:44:01
11	time so...	11:44:04
12	Q (BY MS. CHANG) Can you show me where in	11:44:05
13	Exhibit 1400, the LiDAR portion of any of these	11:44:08
14	GL accounts is indicated?	11:44:11
15	MR. MACK: Objection, form.	11:44:14
16	A Sorry. Again, going back to how the --	11:44:17
17	the -- what's it called -- the -- the expert	11:44:21
18	formulated the conclusion, my understanding is they	11:44:25
19	used, like, a -- like, the whole is -- like, you	11:44:29
20	can't -- again, like I said, you can't take this	11:44:34
21	thing apart and say: This is it and that's	11:44:36
22	isolated.	11:44:38
23	So you use the whole development cost of	11:44:38
24	program that -- if you wanted to ask on those -- an	11:44:41
25	individual basis, like, I'm familiar with what these	11:44:43

1	numbers are on this and how that was informed.	11:44:46
2	Q But Exhibit 1400 doesn't break out the	11:44:49
3	LiDAR-related expense of "Equipment and Related	11:44:53
4	Expenses" GL account?	11:45:00
5	MR. MACK: Objection, form.	11:45:02
6	A Again, like, I don't think that I know how	11:45:05
7	to tell you what "LiDAR-related" means. Like --	11:45:07
8	like, to me, that's a technical thing, and I'm not	11:45:10
9	equipped -- I can tell you what these numbers	11:45:13
10	represent. I can tell you, like, how they're	11:45:16
11	formulated, et cetera.	11:45:17
12	But to the extent that you're asking, if I	11:45:17
13	understand you correctly, like: What is the number	11:45:19
14	to create a LiDAR, I think that's, like, a technical	11:45:21
15	question that an expert could opine on. I can tell	11:45:24
16	you about the numbers, right.	11:45:27
17	Q (BY MS. CHANG) I'm not asking you for	11:45:28
18	technical definition. I just want to know if this	11:45:30
19	spreadsheet has a breakout of the LiDAR-related	11:45:33
20	portion of any of these GL accounts.	11:45:35
21	MR. MACK: Objection, form.	11:45:37
22	A I mean, I -- I'm not -- like, I -- I just	11:45:39
23	don't -- like, "LiDAR related," to me, like, I	11:45:41
24	can't -- I can't -- I can't understand what this is.	11:45:43
25	Like, if you could help me -- like -- like	11:45:45

1	I have said, like, this doesn't show a part-by-part	11:45:46
2	number, right. But if you're asking for the	11:45:49
3	LiDAR-related cost of, like, developing a LiDAR	11:45:52
4	system in an SDS system, I think this is a	11:45:54
5	fundamentally, like, technical question that I --	11:45:58
6	I'm not prepared to answer for you, right.	11:45:59
7	Q (BY MS. CHANG) But your testimony is that	11:46:02
8	each of these accounts relates to the expenses for	11:46:03
9	the entire self-driving car?	11:46:05
10	A The -- so this -- this -- these accounts	11:46:08
11	in totality capture the cost of creating a	11:46:10
12	self-driving system within which the LiDAR is an	11:46:14
13	integral part.	11:46:19
14	Q You stated that LiDAR is an integral part	11:46:55
15	of the self-driving system. What other integral	11:46:59
16	parts are you aware of?	11:47:04
17	A I mean, again, my nontechnical	11:47:07
18	understanding is that, like, you need to have LiDAR	11:47:10
19	to do this. Like, that's about as far as my, like,	11:47:12
20	nontechnical understanding of this goes.	11:47:16
21	Q You're not aware of any other integral	11:47:19
22	parts of the self-driving system?	11:47:22
23	MR. MACK: Objection, form.	11:47:24
24	A The -- like, I don't pretend to -- to say	11:47:24
25	that, like, one is better than the other or	11:47:30

1	anything, but I know that the LiDAR is part of the	11:47:32
2	whole solution.	11:47:35
3	Q (BY MS. CHANG) Are you aware of any other	11:47:36
4	part of the whole solution for Waymo's self-driving	11:47:39
5	system?	11:47:43
6	MR. MACK: Objection, form.	11:47:44
7	A I -- I believe -- like, again, my	11:47:45
8	nontechnical understanding is that there are other	11:47:48
9	parts to it. But I -- I wasn't prepared here to	11:47:50
10	talk about what the technical elements of the	11:47:53
11	self-driving system are.	11:47:56
12	Q (BY MS. CHANG) Are there other integral	11:47:57
13	parts of the Waymo self-driving system, other than	11:47:57
14	LiDAR that you're aware of as you sit here today	11:48:00
15	you?	11:48:04
16	MR. MACK: Objection, form; beyond the	11:48:05
17	scope.	11:48:05
18	A Like, I don't -- I -- I don't -- like, I	11:48:07
19	can't say what are other technical -- or sorry. I	11:48:10
20	-- I don't know what to -- or I don't know what	11:48:14
21	other integral parts are, no.	11:48:18
22	Q (BY MS. CHANG) But you would characterize	11:48:19
23	LiDAR as an integral part?	11:48:21
24	MR. MACK: Objection, form; beyond the	11:48:23
25	scope.	11:48:23

1	A It -- in a nontechnical way without having	11:48:24
2	any kind of, like, technical training or	11:48:28
3	understanding, yes, I just did.	11:48:30
4	MR. MACK: Esther, I think we have been	11:48:33
5	going well over an hour, if now is a good time to	11:48:35
6	break.	11:48:40
7	MS. CHANG: Yeah.	11:48:40
8	THE VIDEOGRAPHER: We are off the record	11:48:41
9	at 11:49 a.m.	11:48:41
10	(A break was taken from 11:49 a.m. to	11:48:44
11	12:37 p.m.)	11:48:48
12	THE VIDEOGRAPHER: Okay. We are back on	12:36:02
13	the record at 12:37 p.m.	12:36:35
14	Q (BY MS. CHANG) I'm handing you what's been	12:36:43
15	marked as Exhibit 1520. Exhibit 1520 is	12:36:45
16	"Plaintiff's Amended Fourth Supplemental Objections	12:37:03
17	and Responses to Uber's First Set of	12:37:07
18	Interrogatories, Nos. 1 through 11."	12:37:09
19	Do you recognize this document?	12:37:15
20	A Yes, I believe so.	12:37:16
21	Q You previously testified that in	12:37:46
22	preparation to provide testimony in your capacity as	12:37:48
23	the corporate witness for the cost aspect of	12:37:56
24	Topic 9, that you had reviewed responses to	12:38:00
25	interrogatory requests.	12:38:05

1	Are these the responses that you reviewed?	12:38:06
2	A Yes, I believe so.	12:38:08
3	Q If you turn to page 61, you'll see	12:38:20
4	Interrogatory 6 listed here. And it reads,	12:38:28
5	Separately for each alleged Waymo trade secret	12:38:33
6	identified in response to Interrogatory No. 1,	12:38:37
7	describe how long it took and how much it cost to	12:38:40
8	develop.	12:38:43
9	Do you recall reviewing the response to	12:38:47
10	Interrogatory No. 6?	12:38:53
11	A I -- I don't recall reviewing that	12:38:54
12	specific one, no.	12:38:58
13	Q Did you help prepare the response to	12:39:08
14	Interrogatory No. 6?	12:39:12
15	MR. MACK: Objection, form. Again, I'll	12:39:13
16	just caution the witness not to reveal the substance	12:39:19
17	of any attorney/client privileged communications,	12:39:23
18	but you may answer.	12:39:25
19	A So like, to the extent there are, like,	12:39:26
20	dollar values in here and to the extent that those	12:39:30
21	dollar values were derived from, like, this report	12:39:33
22	that we have on the screen right now, then you could	12:39:36
23	perhaps say that, like, I helped prepare this.	12:39:40
24	But I did not, like, directly draft or --	12:39:43
25	or answer -- answer this in any way, if -- if that	12:39:47

1	answers your question.	12:39:51
2	Q (BY MS. CHANG) Going back to Exhibit 2090,	12:39:53
3	you were designated as Waymo's corporate	12:40:10
4	representative to testify to the cost of developing	12:40:14
5	each of the alleged Waymo trade secrets selected for	12:40:18
6	trial.	12:40:21
7	Did you review a list of the alleged Waymo	12:40:23
8	trade secrets selected for trial?	12:40:27
9	A So my understanding is -- is that there	12:40:35
10	were many trade secrets at issue in this case. Some	12:40:37
11	of them -- like, I think some of them are no longer	12:40:40
12	part of the case. I don't -- I don't know exactly,	12:40:45
13	to be honest.	12:40:47
14	But I believe there are some at issue, and	12:40:48
15	I -- and I did see those numbers that are still at	12:40:51
16	issue in the case.	12:40:55
17	Q Did you also review the descriptions or	12:40:56
18	the substance of the trade secret numbers? You --	12:40:58
19	you mentioned that you had reviewed the numbers?	12:41:00
20	A Right.	12:41:03
21	Q Did you also review the substance or the	12:41:03
22	description of that trade secret number?	12:41:06
23	A I believe I looked at a document that	12:41:10
24	listed them and had, like, detailed explanations. I	12:41:12
25	didn't -- I didn't read in detail any of them, no,	12:41:16

1	so I...	12:41:18
2	Q Turning to page 103 of Exhibit 1520,	12:41:37
3	trade -- you'll see that there are a "Trade	12:41:45
4	Secret 2" header.	12:41:55
5	A Um-hum.	12:41:57
6	Q And under this section it reads,	12:41:58
7	Information potentially relevant to determining such	12:42:10
8	cost estimates includes information that has been	12:42:15
9	produced at WAYMO-UBER-00027045,	12:42:19
10	WAYMO-UBER-00014506, WAYMO-UBER-00012830,	12:42:20
11	WAYMO-UBER-00014078, and WAYMO-UBER-00014489.	12:42:31
12	WAYMO-UBER-27045 is Exhibit 1400, and	12:42:42
13	that's the spreadsheet that we have been looking at.	12:42:48
14	A Okay.	12:42:52
15	Q I'm going to mark as exhibits, the	12:42:54
16	remaining documents that are cited in this	12:42:58
17	interrogatory response.	12:43:02
18	Exhibit 1413, which I have just handed	12:43:53
19	you, is the next document, WAYMO-UBER-00014506. So	12:43:56
20	did I give you the wrong -- no, I didn't. Is	12:44:07
21	that -- is that the document that you have?	12:44:10
22	A Yes.	12:44:13
23	Q Have you seen this document before?	12:44:17
24	A Yes. I saw it yesterday.	12:44:19
25	Q What is your understanding of what this	12:44:22

1	document is?	12:44:24
2	A This is the Term Sheet of the acquisition	12:44:27
3	of 510 Systems.	12:44:31
4	Q Had you seen it before yesterday?	12:44:34
5	A No.	12:44:35
6	Q The next document, WAYMO-UBER-00012830,	12:44:38
7	was previously marked as Exhibit 1414. This	12:44:46
8	document is the "Agreement and Plan of Merger By and	12:45:12
9	Among Google Inc., Plus 490 LLC; 510 Systems LLC;	12:45:16
10	each of the members of 510 Systems LLC; and with	12:45:20
11	respect to Articles VI, VIII, IX, and X only,	12:45:24
12	Anthony Levandowski, as member representative; and	12:45:26
13	U.S. Bank National Association as escrow agent,"	12:45:30
14	dated as of July 28, 2011.	12:45:34
15	Do you recognize this document?	12:45:36
16	A Only insofar as I saw it yesterday.	12:45:41
17	Q Had you seen it before yesterday?	12:45:45
18	A No.	12:45:46
19	Q The next document listed in Waymo's	12:45:49
20	response to Interrogatory No. 6 for Trade Secret 2	12:45:54
21	on page 103 of Exhibit 1520 is WAYMO-UBER-00014078.	12:45:59
22	This document was previously marked as Exhibit 1415.	12:46:12
23	Exhibit 1415 is the "Google Inc. Project	12:46:33
24	Chauffeur Bonus Program."	12:46:39
25	Do you recognize this document?	12:46:41

1	A	Yes, insofar as I saw it yesterday.	12:46:45
2	Q	Before yesterday, had you seen this	12:46:48
3		document?	12:46:49
4	A	I hadn't seen the document, but I was	12:46:51
5		generally familiar with the 2011 special bonus plan.	12:46:54
6	Q	The final document listed in Waymo's	12:46:59
7		Interrogatory Response No. 6 for Trade Secret 2 is	12:47:02
8		WAYMO-UBER-00014489.	12:47:06
9		This document was previously marked as	12:47:13
10		Exhibit 1416. Exhibit 1416 is a letter from Google,	12:47:16
11		in particular, David [REDACTED], who was vice president	12:47:32
12		of corporate development at the time, to Anthony	12:47:38
13		Levandowski, dated April 13, 2011.	12:47:40
14		Do you recognize this document?	12:47:46
15	A	Only insofar as I read it yesterday.	12:47:49
16	Q	Before yesterday had you seen this	12:47:53
17		document?	12:47:55
18	A	No.	12:47:55
19	Q	Looking back at Exhibit 1520, which is	12:48:47
20		Waymo's interrogatory responses, on page 103, the	12:48:50
21		next sentence reads, That information -- referring	12:48:55
22		to the five documents listed before that sentence --	12:49:00
23		reflects that costs Waymo necessarily incurred for	12:49:10
24		the development, Trade Secret 2 are in the	12:49:13
25		[REDACTED]	12:49:18

1	Did you help prepare that [REDACTED]	12:49:24
2	range number for Trade Secret 2?	12:49:28
3	MR. MACK: Objection, form.	12:49:30
4	A So -- so -- so again, insofar as that	12:49:34
5	number is derived from the numbers that you see of,	12:49:37
6	like, the historical spend at Waymo, to the extent	12:49:39
7	it incorporates those numbers, I would say yes.	12:49:44
8	Q (BY MS. CHANG) Do you know how that	12:49:48
9	[REDACTED] number was calculated?	12:49:54
10	A So my understanding is that -- and this	12:49:59
11	is, I believe, a -- a formulation based on the	12:50:04
12	expert's calculations. But what -- what it is is a	12:50:08
13	summation -- am I allowed to alter this just so I	12:50:12
14	can read it easier? Can I make it into dollars?	12:50:19
15	No?	12:50:23
16	Q Yes, we -- yes, we can, but I think we	12:50:24
17	would then need to mark it as new exhibit, so --	12:50:25
18	A Okay.	12:50:28
19	Q -- what we'll do is we'll mark this as	12:50:28
20	Exhibit 2091.	12:50:31
21	A It -- it's okay. I don't -- I won't	12:50:36
22	change it, just to keep it -- sorry.	12:50:37
23	Q Are you sure?	12:50:39
24	A Yeah. Yeah.	12:50:40
25	Q Okay.	12:50:41

1	A Sorry about that. So my understanding is	12:50:41
2	that because of the nature of the development of the	12:50:48
3	program as a whole, right, what it was is a -- kind	12:50:54
4	of a calculation of historical spend through the end	12:50:57
5	of 2015.	12:51:00
6	So if -- on the screen you can see that	12:51:02
7	essentially I'm -- I'm highlighting all the cells in	12:51:04
8	Row 16, Columns B through H.	12:51:08
9	And in the bottom corner, Excel does a	12:51:12
10	sum. So what that sum is saying is that this is	12:51:15
11	approximately [REDACTED]	12:51:17
12	Q For the record, the exact sum that is	12:51:40
13	shown in Exhibit 1400 when you highlight Cells B16	12:51:47
14	to H16, is --	12:51:52
15	A Do you want me to read it out?	12:52:00
16	Q -- you can read it out. Or I was going	12:52:02
17	to, but you can.	12:52:04
18	A Oh, I'm sorry. I'm sorry. Okay.	12:52:05
19	Q It is [REDACTED] is that right?	12:52:07
20	A Yes, that's what the screen shows.	12:52:20
21	Q And that's the number that is the basis	12:52:23
22	for the [REDACTED] range that's shown as the	12:52:26
23	development cost for Trade Secret 2?	12:52:33
24	MR. MACK: Objection, form.	12:52:37
25	A That's -- that's my understanding of how	12:52:37

1	it was formulated.	12:52:39
2	Q (BY MS. CHANG) Do you know what Trade	12:52:41
3	Secret 2 is?	12:52:42
4	A Like -- like, in technical detail, no.	12:52:46
5	Q In any level of detail?	12:52:50
6	MR. MACK: Objection, form.	12:52:52
7	A I -- I know that it's at issue in the	12:52:57
8	case, but I don't -- like, I don't know the	12:53:00
9	technical details of it, no.	12:53:02
10	Q (BY MS. CHANG) Do you know anything about	12:53:03
11	Trade Secret 2?	12:53:04
12	A In -- I -- I mean, I didn't ask -- like,	12:53:07
13	no, I didn't ask detailed questions about Trade	12:53:10
14	Secret 2.	12:53:13
15	Q What do you know about Trade Secret 2,	12:53:14
16	other than that it's \$ [REDACTED] to develop?	12:53:15
17	A That to the extent it is -- take -- how do	12:53:23
18	I say this?	12:53:29
19	That its development was not limited to,	12:53:30
20	a -- like, a discrete point in time. And it --	12:53:33
21	it -- the formulation of it and the basis for --	12:53:36
22	thereby the basis of the calculation is that it is	12:53:37
23	the kind of -- from inception to the date of the	12:53:43
24	cutoff of -- whatever informs that cutoff date is	12:53:47
25	how it -- it's informed, right.	12:53:52

1	So there's a development time. It's not	12:53:52
2	like a discrete thing with, like, a discrete item.	12:53:54
3	It is a totality. And that's why, you know...	12:53:57
4	Q Other than the number, what do you know	12:54:03
5	about the technology that's captured by Trade	12:54:08
6	Secret 2?	12:54:11
7	MR. MACK: Objection, form.	12:54:12
8	A So what I know about technology is that it	12:54:21
9	was developed at Waymo. That would be -- and it was	12:54:23
10	technology that was developed in the program as a	12:54:32
11	whole.	12:54:36
12	Q (BY MS. CHANG) Do you know what aspect of	12:54:36
13	the technology that was developed by Waymo that	12:54:38
14	Trade Secret 2 relates to?	12:54:42
15	MR. MACK: Objection, form.	12:54:44
16	A Well, I think based off of my	12:54:45
17	understanding of how it was calculated, aspect --	12:54:47
18	aspect is a little -- I guess I would take issue	12:54:51
19	with the word "aspect." Is that -- it -- it's a --	12:54:55
20	it's a trade secret that is kind of comprehensive in	12:54:58
21	the program as a whole.	12:55:01
22	Like -- but again, that's just a -- like,	12:55:01
23	a nontechnical understanding of, like, how this	12:55:03
24	number was calculated. And I'm kind of deriving it	12:55:06
25	based off of that calculation.	12:55:09

1	Q	(BY MS. CHANG) If you turn to page 172 of	12:55:11
2		Exhibit 1520.	12:55:14
3	A	I'm sorry. What page again?	12:55:16
4	Q	172.	12:55:19
5	A	Okay.	12:55:20
6	Q	This is Waymo's Response to	12:55:36
7		Interrogatory No. 6 with respect to Trade Secret 25.	12:55:39
8		If you look in the middle of the first paragraph,	12:55:43
9		under that header it reads, Information potentially	12:55:48
10		relevant to determining such cost estimates includes	12:55:52
11		information that has been produced at	12:55:55
12		WAYMO-UBER-00027045, WAYMO-UBER-00014506	12:55:58
13		WAYMO-UBER-00012830, WAYMO-UBER-00014078, and	12:56:06
14		WAYMO-UBER-00014489.	12:56:15
15		I can represent to you that those are the	12:56:20
16		same five documents that were cited for Trade	12:56:23
17		Secret 2 that we just looked at.	12:56:26
18		The next sentence reads, That information	12:56:30
19		reflects that costs Waymo necessarily incurred for	12:56:34
20		the development of Trade Secret 25 are in the	12:56:39
21		[REDACTED]	12:56:43
22		What is the basis of the [REDACTED]	12:57:02
23		range number cited for Trade Secret 25 in Waymo's	12:57:05
24		response to Interrogatory No. 6 for Trade Secret 25?	12:57:09
25	A	So I -- again, I think my understanding of	12:57:16

1 how the expert who created that value is that they 12:57:22
2 took the numbers of spend historically since 12:57:26
3 inception through a certain date. And like, same as 12:57:28
4 the previous one is that it goes through on -- 12:57:32
5 whichever exhibit number we labeled the screen. 12:57:35
6 Q 1400. 12:57:41
7 A Sorry. Yeah, 1400 is, again, from a -- 12:57:42
8 2009 through end of year 2015, which represents that 12:57:44
9 approximately [REDACTED] 12:57:48
10 Q It's the same calculation that was used 12:57:57
11 for Trade Secret 2 that we previously discussed? 12:58:00
12 A So -- so when you say "the same" 12:58:05
13 calculation," I -- like, again, the -- to the 12:58:07
14 extent, like, an expert created that calculation, 12:58:11
15 I -- I can't tell you how precisely they calculate 12:58:13
16 it, right. 12:58:16
17 But my understanding is that it is a 12:58:17
18 culmination of all of the work that precedes -- took 12:58:19
19 -- took place preceding. And therefore, perhaps in 12:58:23
20 broad strokes it's a similar calculation. I don't 12:58:28
21 want to speak out of turn and say it's, like, the 12:58:30
22 same calculation. 12:58:33
23 Q I just want to make sure that I'm 12:58:34
24 understanding your testimony. You testified that 12:58:36
25 Trade Secret 2, which cited a [REDACTED] was 12:58:38

1	the sum of Cells B16 to H16 of Exhibit 1400, and	12:58:43
2	that was for Trade Secret 2?	12:58:52
3	A Yeah, the -- the last -- yes, correct.	12:58:54
4	Q And now we're looking at Trade Secret 25,	12:58:56
5	which also cites a [REDACTED] cost?	12:58:59
6	A Um-hum.	12:59:03
7	Q The calculation for that [REDACTED]	12:59:03
8	number, is it also the sum of Cells B16 to H16 of	12:59:06
9	Exhibit 1400?	12:59:12
10	MR. MACK: Objection, form.	12:59:14
11	A Yes, those same numbers inform that	12:59:19
12	number.	12:59:22
13	Q (BY MS. CHANG) Why is it that only the	12:59:23
14	costs incurred in 2009 through 2015 are used to	12:59:28
15	calculate the [REDACTED] cost estimate for Trade	12:59:34
16	Secrets 2 and 25?	12:59:41
17	A Sorry. Why is -- why only those years as	12:59:46
18	opposed to what other years, I guess?	12:59:48
19	Q Why wasn't 2016 included?	12:59:52
20	A Well, my understanding based off of,	12:59:56
21	again, like, the trade secret being a technical	12:59:58
22	thing is that this says it took a period of time.	01:00:00
23	And that secret -- again, not being	01:00:03
24	technically minded about what a trade secret is	01:00:07
25	legally defined as or anything else, it's -- it's	01:00:10

1 formulation took that span of time; and therefore, 01:00:14
2 they're capturing that period of time's expense, 01:00:16
3 therefore. 01:00:22
4 Q Your testimony is that the development of 01:00:23
5 Trade Secret 25 incurred cost only up through 2015? 01:00:27
6 MR. MACK: Objection, form. 01:00:34
7 A My -- my testimony is that that is my 01:00:37
8 understanding of how it was calculated, yes. 01:00:39
9 Q (BY MS. CHANG) The same answer for Trade 01:00:41
10 Secret 2? 01:00:45
11 A Again, like, my under -- my understanding 01:00:48
12 is, like, that's the method the expert used to 01:00:50
13 surmise the -- the data -- the costs incurred based 01:00:55
14 upon historical spend that we -- that I -- that we 01:00:58
15 provided. 01:01:02
16 Q Do you know what the technology, that 01:01:08
17 Trade Secret 25 relates to, is? 01:01:11
18 MR. MACK: Objection, form. 01:01:16
19 A I don't know the specific technology or 01:01:20
20 technological elements that it informs. My 01:01:23
21 understanding is it's -- it's technology that is -- 01:01:27
22 was developed within Waymo Chauffeur -- 01:01:30
23 Q (BY MS. CHANG) Is that -- 01:01:33
24 A -- but that would be the extent of it. 01:01:34
25 Q You don't know any more details regarding 01:01:35

1 Trade Secret 25? 01:01:38

2 A No, I don't have any more details. 01:01:40

3 Q You testified that Trade Secret 2 incurred 01:01:44

4 a [REDACTED] cost for development. You also 01:01:47

5 testified that Trade Secret 25 incurred the same 01:01:52

6 [REDACTED] cost for development. 01:01:57

7 Is there any chance that costs of 01:02:20

8 development is being double counted between Trade 01:02:23

9 Secret 2 and Trade Secret 25? 01:02:26

10 MR. MACK: Objection, form. 01:02:29

11 A So one thing in -- in answering your 01:02:30

12 question, I think you said that my testimony was 01:02:33

13 that it costs [REDACTED] to formulate those two 01:02:36

14 trade secrets. 01:02:40

15 So I just want to say first that, like, 01:02:40

16 that's -- that's not my testimony. What -- what I'm 01:02:41

17 saying is that insofar as that an expert calculated 01:02:43

18 this, it's -- I'm showing the -- my testimony is 01:02:46

19 that in the years 2009 through 2015, those were the 01:02:49

20 expenses incurred. 01:02:54

21 With respect to your -- the -- the core of 01:02:56

22 the question or, like, the latter part of what you 01:02:59

23 just said of: Is there a double count, I don't 01:03:01

24 think I am technically minded enough to say whether 01:03:05

25 that is true or not. 01:03:10

1	Q (BY MS. CHANG) Do you understand that you	01:03:11
2	were designated corporate witness, so you're	01:03:13
3	supposed to do testify on behalf of the company	01:03:16
4	regarding the cost of each of the alleged trade	01:03:19
5	secrets? Are you not prepared to testify as to that	01:03:21
6	today?	01:03:25
7	A So -- so I'm -- I'm prepared to testify.	01:03:26
8	And -- and I have been trying to testify about the	01:03:29
9	numbers and the costs incurred by this program.	01:03:32
10	I am not technically minded to say that a	01:03:37
11	trade secret involved this cost versus that cost. I	01:03:39
12	think that's a more expert-based formulation.	01:03:44
13	And I'm not prepared or capable of -- of	01:03:49
14	creating -- like, I'm not an expert, right. Like,	01:03:52
15	my understanding is you -- you have expert reports	01:03:54
16	on these kinds of things, and there will be a whole,	01:03:56
17	you know, rigmarole around that.	01:03:58
18	But I am prepared to tell you about what	01:04:01
19	are the costs and what we have been discussing about	01:04:01
20	what the expenses that we're showing in these	01:04:04
21	various years.	01:04:07
22	Q If I understand your testimony correctly,	01:04:08
23	you're prepared to testify about the costs incurred	01:04:10
24	by Waymo's self-driving car program, but you are not	01:04:12
25	prepared to testify about the costs of each	01:04:19

1	individual trade secret; is that right?	01:04:22
2	MR. MACK: Objection to form.	01:04:23
3	A So again, insofar as that -- in this	01:04:26
4	interrogatory response there is a response that says	01:04:30
5	the trade secret costs [REDACTED] I can tell you	01:04:31
6	what numbers inform that.	01:04:36
7	So -- so yes, there's an -- there's an	01:04:37
8	expert conclusion about this, and I can help show	01:04:39
9	you -- like, to the two preceding questions you	01:04:42
10	asked, I showed you how that [REDACTED] was	01:04:45
11	informed. So that extent, I am providing my	01:04:48
12	testimony and the -- the basis for that [REDACTED]	01:04:51
13	calculation.	01:04:54
14	Q (BY MS. CHANG) You know how the number was	01:04:54
15	calculated, but you're not offering any testimony as	01:04:56
16	to how that number relates to each of the trade	01:04:59
17	secrets?	01:05:02
18	MR. MACK: Objection, form.	01:05:02
19	A I don't -- I don't understand what you	01:05:05
20	mean by "how it relates to each of the trade	01:05:06
21	secrets."	01:05:09
22	Q (BY MS. CHANG) You're not providing any	01:05:09
23	testimony that -- for example, where it says, Trade	01:05:11
24	Secret 2 costs [REDACTED], you're not offering	01:05:14
25	that Trade Secret 2 actually costs [REDACTED]	01:05:17

1	you're just offering testimony about how	01:05:19
2	████████ was calculated?	01:05:22
3	MR. MACK: Objection, form.	01:05:26
4	A Sorry. Sorry. Like, let me -- let me try	01:05:30
5	to -- can -- can you repeat the question? It's kind	01:05:34
6	of long, so I -- I don't want to get lost in it.	01:05:37
7	MS. CHANG: Could you read the question	01:05:40
8	back to the witness?	01:05:41
9	(The Reporter read the record as follows:	01:05:43
10	QUESTION: You're not providing any testimony	01:05:43
11	that -- for example, where it says, Trade Secret 2	01:05:43
12	costs ████████, you're not offering that Trade	01:05:43
13	Secret 2 actually costs ████████; you're just	01:05:43
14	offering testimony about how ████████ was	01:05:43
15	calculated?)	01:05:43
16	MR. MACK: Same objection.	01:06:15
17	A So my understanding is that -- that these	01:06:17
18	trade secrets are a development over time; and	01:06:21
19	therefore, that -- it takes all of the preceding	01:06:27
20	work.	01:06:30
21	And to the extent that trade secret was	01:06:30
22	formulated from inception of the program through the	01:06:33
23	time period that we marked on that at the end of the	01:06:37
24	year, which it's -- it's now blacked out, but I	01:06:40
25	think it was 2015 or 2016, that is the cost of the	01:06:42

1	trade secret.	01:06:46
2	Q (BY MS. CHANG) You are testifying that --	01:06:48
3	it is your testimony under oath that Trade Secret 2	01:06:49
4	costs [REDACTED]	01:06:54
5	MR. MACK: Objection, form.	01:06:57
6	A Again, to -- to the extent the expert	01:06:58
7	formulated that and -- and the basis is that all of	01:07:01
8	the work took -- took -- it's all of the preceding	01:07:03
9	work up until that time and that our -- the --	01:07:06
10	the program's historical spend is that, then -- then	01:07:09
11	yes, consistent with that, [REDACTED] is a correct	01:07:12
12	number.	01:07:16
13	Q (BY MS. CHANG) But you don't know what	01:07:16
14	Trade Secret 2 actually is?	01:07:17
15	MR. MACK: Objection, form.	01:07:19
16	A The -- the discrete technical elements of	01:07:21
17	it, no.	01:07:23
18	Q (BY MS. CHANG) And you don't know what	01:07:25
19	Trade Secret 25 is?	01:07:27
20	MR. MACK: Same objection.	01:07:28
21	A Again, the -- the discrete technical	01:07:29
22	elements of it, no. I -- like, to the extent it was	01:07:32
23	formulated over time and it is -- it is a product of	01:07:34
24	work since the inception of a program, that's --	01:07:37
25	that's what I understand.	01:07:39

1	Q (BY MS. CHANG) Do you know if there was	01:07:46
2	any chance of double counting between the technology	01:07:47
3	that is claimed in Trade Secret 2 and the technology	01:07:50
4	that is claimed in Trade Secret 25?	01:07:54
5	MR. MACK: Objection to form.	01:07:57
6	A I -- like, what -- what would you consider	01:08:01
7	double counting?	01:08:06
8	Q (BY MS. CHANG) Claiming the claim cost	01:08:13
9	twice.	01:08:15
10	A Between -- between -- so -- so saying the	01:08:16
11	costs of developing one trade secret versus the	01:08:19
12	other are duplicative?	01:08:21
13	Q Yes.	01:08:26
14	A Without -- without understanding the	01:08:27
15	technical elements of -- of the trade secrets,	01:08:29
16	which -- which I admittedly don't understand the	01:08:30
17	technical elements, I -- I don't know that I can	01:08:34
18	answer that.	01:08:35
19	Q How are you able to testify that Trade	01:08:36
20	Secret 25 costs [REDACTED] if you don't understand	01:08:38
21	the technical details that are claimed by Trade	01:08:42
22	Secret 25?	01:08:45
23	MR. MACK: Objection, form.	01:08:46
24	A Again, because -- my understanding is --	01:08:49
25	is that the trade secret was formulated since the	01:08:50

1 inception of the program. And it is the totality of 01:08:55
2 the technology as whole that -- that allows the 01:08:57
3 system to work. And therefore, all of the expenses 01:09:01
4 that come through that year that we ended on is why 01:09:03
5 that number is right. 01:09:06

6 So it's -- it's the -- the fact that a 01:09:07
7 given trade secret is a part of this entire 01:09:12
8 solution; and therefore, we took the expense of the 01:09:15
9 entire program and took them over a period of time 01:09:17
10 to what is determined as the date where it's, like, 01:09:19
11 formulated or -- not -- like, I don't know how to 01:09:23
12 describe it in whatever might be the applicable 01:09:25
13 term. 01:09:28

14 But that period of time you then take that 01:09:28
15 whole expense of the whole exclusion and say you 01:09:30
16 have now -- it's come to fruition, so to speak or 01:09:33
17 whatever, and that's how you will come up with the 01:09:34
18 [REDACTED] 01:09:37

19 Q (BY MS. CHANG) Your testimony is that 01:09:38
20 Trade Secret 2 costs [REDACTED] to develop; is 01:09:40
21 that right? 01:09:44

22 MR. MACK: Objection, form. 01:09:44

23 A My testimony is that to the extent that 01:09:47
24 the -- the expert has surmised that this is, like, a 01:09:49
25 full-on, like, evolution and it -- all of the steps 01:09:53

1 preceding takes time to create the solution. You 01:09:59
2 take all of that spend, and it's [REDACTED] of 01:10:03
3 spend that occurred during that time. And 01:10:05
4 therefore, that's the way you come up to the 01:10:06
5 [REDACTED] range identified in the interrogatory. 01:10:09

6 Q (BY MS. CHANG) It's your testimony that 01:10:12
7 Trade Secret 25 costs [REDACTED] to develop; is 01:10:14
8 that right? 01:10:17

9 MR. MACK: Same objection. 01:10:18

10 A I -- I would answer that in the same way I 01:10:19
11 did the preceding question. 01:10:22

12 Q (BY MS. CHANG) What is your answer to the 01:10:23
13 question: What was the cost of developing Trade 01:10:24
14 Secret 2 and Trade Secret 25? 01:10:27

15 MR. MACK: Objection, form. 01:10:32

16 A So it -- to -- to -- what was the cost of 01:10:33
17 developing the trade secret? 01:10:38

18 Q (BY MS. CHANG) To clarify, the question 01:10:41
19 is: What was the cost of developing Trade Secret 2 01:10:42
20 and Trade Secret 25? So I want to know the combined 01:10:46
21 cost of developing those two trade secrets. 01:10:51

22 A I -- I don't know that I could answer 01:10:54
23 that, because I don't have, again, the technical 01:10:55
24 element of what the trade secret is. 01:10:57

25 I think that's -- that's something that I 01:10:58

1 don't know. But to the extent that -- like, if an 01:11:02
2 expert were to help -- like, tell me how you capture 01:11:05
3 those things, and we said: Well, is there, like, 01:11:09
4 this time element, for example, or something of that 01:11:12
5 sort, then I could look at that amount of time or 01:11:15
6 however and then come up with a number. Kind of 01:11:17
7 like what I have been describing in the preceding 01:11:19
8 answers. 01:11:22

9 Q You testified that Trade Secret 2 used the 01:11:22
10 same calculation as Trade Secret 25? 01:11:24

11 MR. MACK: Objection, form. 01:11:30

12 A Like -- so I -- I don't think I used the 01:11:31
13 word "calculation." But again, I think that we said 01:11:34
14 that in a similar manner, like, you took the whole 01:11:37
15 program's spend from inception to the time where 01:11:41
16 that trade secret was -- is determined to have, 01:11:44
17 like, come to fruition or whatever. 01:11:45

18 And you take all of that spend, because 01:11:48
19 these trade secrets are part of an integrated 01:11:51
20 whole -- like, it's a whole solution, right. And 01:11:54
21 that's my understanding of how that determination 01:11:56
22 was made. 01:11:57

23 Q (BY MS. CHANG) But isn't the calculation 01:11:59
24 of Trade Secret 2 based on that analysis, the same 01:12:02
25 way that you're calculating the cost for Trade 01:12:06

1	Secret 25?	01:12:08
2	MR. MACK: Objection, form.	01:12:11
3	Q (BY MS. CHANG) You seem to be implying	01:12:12
4	that the calculation is not the same, so I'm just	01:12:13
5	trying to figure out exactly what your testimony is	01:12:16
6	with respect to the calculations.	01:12:20
7	A Sure. And -- and -- again, like -- like I	01:12:21
8	said earlier -- I think a bit earlier is that --	01:12:24
9	like, the precise calculation of what informs and	01:12:25
10	costs of the trade secret, I think it requires	01:12:29
11	certain technical elements.	01:12:31
12	But to the extent that it was a	01:12:32
13	time-based, like, evolution of the entire	01:12:35
14	technological solution, to the extent that is what I	01:12:39
15	understand of it, then perhaps it -- then in that	01:12:42
16	vein, yes. But again, I'm not the -- the -- the	01:12:47
17	expert who calculated that number, per se.	01:12:49
18	Q Okay. Stepping back, you keep on	01:12:53
19	mentioning an "expert." Is there a particular	01:12:54
20	expert you're referring to?	01:12:56
21	A I'm assuming who -- whichever expert	01:12:58
22	that -- it says "will be the subject of expert	01:13:01
23	testimony" here in the interrogatory.	01:13:05
24	Q That's true. I believe Waymo's experts	01:13:07
25	will be using this interrogatory response. But	01:13:10

1	these are interrogatory responses from Waymo --	01:13:13
2	A Um-hum.	01:13:17
3	Q -- so an expert did not draft -- I can	01:13:17
4	represent to you that an expert did not draft these	01:13:21
5	responses.	01:13:25
6	A Okay.	01:13:25
7	Q Waymo -- your counsel can correct me if	01:13:25
8	I'm wrong. I just wanted to know whether you had a	01:13:27
9	particular expert in mind when you keep on	01:13:32
10	mentioning this expert.	01:13:34
11	A I -- I don't have a name in mind, no.	01:13:36
12	Q Moving on to Trade Secret 90, which is	01:13:48
13	another one of the trade secrets that are still at	01:13:51
14	issue in this case, if you could turn to page 126 of	01:13:54
15	Exhibit 1520.	01:13:58
16	The response to Interrogatory No. 6 for	01:14:08
17	Trade Secret 90 starts on exhibit starts on page 126	01:14:20
18	and continues on to page 127.	01:14:23
19	If you look at the middle of the first	01:14:27
20	paragraph to the response regarding Trade Secret 90,	01:14:30
21	it states, Information potentially relevant to	01:14:37
22	determining such cost estimate has been produced at	01:14:42
23	WAYMO-UBER-00027045, WAYMO-UBER-00014506	01:14:46
24	WAYMO-UBER-00012830, WAYMO-UBER-00014078, and	01:14:57
25	WAYMO-UBER-00014489.	01:15:06

1 I can represent to you that those are the 01:15:09
2 same five documents that were cited for Trade 01:15:12
3 Secret 2 and Trade Secret 25 that we just looked at. 01:15:15
4 The next sentence reads, That information 01:15:18
5 reflects that costs Waymo necessarily incurred for 01:15:23
6 the development of Trade Secret 90 are in the 01:15:27
7 ████████ range. 01:15:31
8 What was the basis for calculating that 01:15:33
9 ████████ cost estimate? 01:15:36
10 A So again, my understanding is that it is a 01:15:41
11 cost that captures the entire program spend from 01:15:43
12 inception to the period of time where it stops -- I 01:15:47
13 think it's 2015, 2016, that █████ that you round up 01:15:54
14 to █████ 01:15:59
15 It is informed by those same sets of 01:16:00
16 numbers for the totality of the program spend for 01:16:04
17 that period of time. 01:16:05
18 Q The calculation that was the basis of the 01:16:06
19 ████████ cost estimate for Trade Secret 90 is 01:16:09
20 the same calculation that was done for Trade 01:16:13
21 Secret 2 and Trade Secret 25? 01:16:16
22 MR. MACK: Objection, form. 01:16:18
23 A Again, my understanding being that it 01:16:23
24 covers the -- the time period for the formulation of 01:16:24
25 that trade secret, without knowing the technical 01:16:27

1 elements of it, is -- is a time period that spans 01:16:29
2 the program's total spend of [REDACTED] 01:16:32
3 Q (BY MS. CHANG) And that calculation is the 01:16:36
4 sum of Cells B16 to H16 in Exhibit 1400? 01:16:40
5 A I'll -- I'll accept that. I don't see it 01:16:50
6 on the screen, but I believe so. It's -- it's the 01:16:52
7 cells that I had highlighted earlier. 01:16:53
8 Q And that's the same [REDACTED] 01:16:58
9 A Correct. 01:17:02
10 Q [REDACTED] number that we have been 01:17:02
11 looking at? 01:17:05
12 A Correct. 01:17:05
13 Q Do you know what -- the technical aspects 01:17:10
14 that is claimed by Trade Secret 90? 01:17:20
15 MR. MACK: Objection, form. 01:17:24
16 A I'm not familiar with the -- the precise 01:17:25
17 individual technical aspects of -- or sorry. Let me 01:17:29
18 rephrase. 01:17:31
19 I'm not -- I'm not familiar with the -- 01:17:31
20 the technical aspects of the individual trade 01:17:33
21 secret. My understanding is that insofar as it is 01:17:38
22 part of the entirety of this self-driving system. 01:17:42
23 Therefore, all of the costs of the program since 01:17:45
24 inception to the time are what then informs that 01:17:48
25 [REDACTED] number. 01:17:52

1	Q (BY MS. CHANG) If I understand your	01:17:54
2	testimony correctly, the costs of the program from	01:17:56
3	inception to 2015 forms the basis for the	01:18:05
4	development cost for Trade Secret 2, Trade	01:18:12
5	Secret 25, and Trade Secret 90; is that correct?	01:18:15
6	MR. MACK: Objection, form.	01:18:20
7	A Can I get the question read back?	01:18:24
8	Q (BY MS. CHANG) If I understand your	01:18:28
9	testimony correctly, the costs of the self-driving	01:18:29
10	car program from inception to 2015 forms the basis	01:18:32
11	for the development cost for Trade Secret 2, Trade	01:18:36
12	Secret 25, and -- and now Trade Secret 90?	01:18:39
13	MR. MACK: Same objection.	01:18:45
14	A I -- I believe so, yes, if I understand	01:18:48
15	your question.	01:18:52
16	Q (BY MS. CHANG) Is there a part of the	01:18:54
17	question that you don't understand?	01:18:55
18	A So -- sorry. Can -- can you read it back	01:18:57
19	one more time? I apologize.	01:19:01
20	Q Your testimony is that the costs of the	01:19:03
21	self-driving car program from inception to 2015	01:19:08
22	forms the basis for the development costs of Trade	01:19:12
23	Secret 2, Trade Secret 25, and now Trade Secret 90?	01:19:16
24	A My understanding is that -- that since	01:19:23
25	inception through the year that you just identified	01:19:25

1 informs the [REDACTED] number that was placed into 01:19:27
2 this interrogatory. 01:19:31
3 Q For each of those three trade secrets that 01:19:32
4 we have discussed so far? 01:19:34
5 A Correct. That period of spend is what 01:19:36
6 informed that number. And if I may add. The one 01:19:38
7 thing, like -- and we had reviewed this a little bit 01:19:41
8 earlier in the deposition. Is that -- to the extent 01:19:43
9 that there are historical expenses not captured, 01:19:45
10 that number is potentially higher. 01:19:47
11 But because of the way the Alphabet 01:19:50
12 structure was run historically, et cetera, 01:19:52
13 et cetera, that number is -- is reported lower in 01:19:54
14 the Exhibit 1400, I think, is the one that -- that's 01:20:00
15 the spreadsheet so... 01:20:04
16 Q To clarify, you're saying that the 01:20:12
17 number -- the [REDACTED] number that's shown in 01:20:14
18 Exhibit 1400 is actually lower than the actual spend 01:20:20
19 of the program from inception to 2015? 01:20:23
20 A Correct. Correct. As I mentioned 01:20:25
21 earlier, there are -- there are equity that's 01:20:26
22 missing from this, as well as, like, the 01:20:28
23 intracompany expenses of the allocated expensive. 01:20:30
24 Because, again, alphabetization, which is that 01:20:33
25 spinout, was something that happened later. 01:20:36

1	Q	What is the cost of developing Trade	01:20:40
2		Secret 2, Trade Secret 25, and Trade Secret 90?	01:20:42
3		MR. MACK: Objection, form.	01:20:46
4	A	So to the extent that the expert has	01:20:48
5		surmised that development of that trade secret is	01:20:55
6		something that is kind of program inception to the	01:20:58
7		date that, again, this comes to, like, fruition or	01:21:02
8		whatever you want to call it, it -- it is that	01:21:04
9		1 point -- it is the spend for the entirety of the	01:21:08
10		program from that inception to the date that that's	01:21:11
11		cut off at, which is 2015 or '16, based on the	01:21:14
12		spreadsheet.	01:21:19
13	Q	(BY MS. CHANG) Given that the entirety of	01:21:19
14		the program cost from inception to 2015 is about	01:21:21
15		[REDACTED], would it be fair to say that the costs	01:21:28
16		of developing Trade Secret 2 is the same as the cost	01:21:31
17		of developing Trade Secrets 2, 25, and 90 together?	01:21:35
18		MR. MACK: Objection, form.	01:21:40
19	A	You're asking: Is -- is the cost of	01:21:43
20		developing -- is the cost of developing one, the	01:21:45
21		same as the cost of developing all of them?	01:21:49
22	Q	(BY MS. CHANG) All three of them that we	01:21:53
23		just discussed.	01:21:54
24	A	I -- like, I don't know that I understand?	01:21:56
25		Like, is the cost the same? I mean, I guess my	01:22:08

1 answer would be that -- that they're all 01:22:20
2 wholly-integrated solutions in the system. And 01:22:24
3 like, this is (inaudible), like, a self-driving 01:22:26
4 system, so -- 01:22:26
5 THE COURT REPORTER: What is that? This 01:22:34
6 is? 01:22:34
7 A Sorry? 01:22:35
8 THE COURT REPORTER: They're 01:22:35
9 wholly-integrated solutions in the system. And 01:22:35
10 like? 01:22:35
11 A They're all wholly-integrated solutions in 01:22:35
12 the same system is what I meant to say. That -- 01:22:38
13 sorry. I lost my train of thought. 01:22:48
14 Q (BY MS. CHANG) You're the corporate -- 01:22:52
15 A Yeah. 01:22:55
16 Q -- representative on the cost of each of 01:22:55
17 the trade secrets? 01:22:56
18 A Right. 01:22:58
19 Q And I'm just trying to figure out how this 01:22:58
20 cost calculation works. You're testifying that 01:23:01
21 Trade Secret 2 costs [REDACTED] which is the 01:23:05
22 entire program cost from inception to 2015. 01:23:09
23 You're testifying that Trade Secret 25 01:23:13
24 costs [REDACTED] which is also the cost of the 01:23:16
25 entire program from inception to 2015. 01:23:23

1	And you're also claiming that Trade	01:23:25
2	Secret 90 costs [REDACTED], which is the cost of	01:23:27
3	the entire program from inception to 2015.	01:23:34
4	Because you're claiming the entire program	01:23:39
5	cost for each of these trade secrets, I want to	01:23:42
6	understand that if it's your testimony that the cost	01:23:47
7	of developing all three trade secrets is also the	01:23:50
8	entire cost of the program from inception to 2015.	01:23:53
9	MR. MACK: Objection, form; beyond the	01:23:58
10	scope.	01:23:59
11	A I -- I don't know that I know how to	01:24:01
12	answer that. Because, again, like, given they all	01:24:04
13	have an interplay and -- and are all required, I --	01:24:07
14	I don't think I -- I -- I have the technical	01:24:11
15	know-how to -- to -- to answer, like, if you	01:24:13
16	developed one wholly independently versus all of the	01:24:16
17	others, what would the costs be.	01:24:19
18	Q (BY MS. CHANG) That's not my question.	01:24:23
19	A I'm sorry. All right. I'm just having a	01:24:26
20	hard understanding --	01:24:28
21	Q Yeah.	01:24:29
22	A -- to be honest.	01:24:29
23	Q Well -- so maybe -- I think there are two	01:24:30
24	potential answers to this question, and there could	01:24:36
25	also be an alternate answer. One potential answer	01:24:38

1 is because I'm already claiming the entire cost of 01:24:44
2 the program for -- for one of the trade secrets, 01:24:48
3 there's not more that I could claim for developing 01:24:50
4 all three. 01:24:53

5 Or you could say because I'm claiming 01:24:53

6 [REDACTED] for one trade secret, [REDACTED] for 01:24:58
7 another trade secret, and [REDACTED] for a third 01:25:02
8 trade secret, that the cost of developing all three 01:25:07
9 of those would be [REDACTED], even thought that 01:25:09
10 exceeds the costs of the entire program. 01:25:12

11 I just want to know what your testimony 01:25:17
12 is. I -- if I wanted to figure out what is the cost 01:25:18
13 of developing three of these trade secrets that are 01:25:22
14 still at issue in this case, is it just -- 01:25:25

15 A Can -- I'm sorry. I'm sorry. Like, I 01:25:28
16 want -- I want -- I want to make sure I understand. 01:25:29
17 Could I -- could I restate it back to you so that, 01:25:30
18 like -- like, you're essentially posing a 01:25:33
19 hypothetical of: If you developed only one of these 01:25:36
20 trade secrets, how much would it cost versus if you 01:25:38
21 developed all three at the same time? 01:25:41

22 Q It's not a hypothetical, because Waymo has 01:25:42
23 responded that developing one trade secret costs 01:25:45
24 [REDACTED] 01:25:48

25 A Right. 01:25:49

1	Q	That's not a hypothetical. That's Waymo's	01:25:50
2		response.	01:25:52
3	A	Sure.	01:25:52
4	Q	And you're Waymo's corporate	01:25:53
5		representative to give that testimony.	01:25:54
6	A	Right.	01:25:56
7	Q	My question is: Is the cost the same for	01:25:58
8		all three trade secrets -- if -- if I -- is the cost	01:26:01
9		of developing Trade Secret 2 the same as the cost of	01:26:08
10		developing Trade Secrets 2, 25, and 90?	01:26:11
11		MR. MACK: Objection, form; beyond the	01:26:14
12		scope.	01:26:15
13	A	Again, to the extent they're identified as	01:26:16
14		the same number, then this is -- like, between the	01:26:19
15		responses for the individual trade secrets, the same	01:26:23
16		number is identified. Like, that's in -- in the	01:26:26
17		answer. So I --	01:26:28
18	Q	(BY MS. CHANG) I understand.	01:26:29
19	A	-- don't know what else you're asking me	01:26:30
20		add to that.	01:26:33
21	Q	So for each -- you have -- you have	01:26:34
22		identified a cost for each one -- for each trade	01:26:34
23		secret; is that correct?	01:26:37
24	A	Right. They're -- in -- in the Responses	01:26:39
25		to Interrogatories, there's a cost identified for	01:26:40

1	MR. MACK: Objection, form; beyond the	02:29:34
2	scope.	02:29:34
3	A Again -- so you're saying if it finishes	02:29:46
4	in a period, like, in the -- in the -- in the	02:29:50
5	between period, are there expenses that are backed	02:29:52
6	out?	02:29:56
7	Q (BY MS. CHANG) My question is: If	02:29:58
8	development actually ends in the middle of a	02:30:01
9	month --	02:30:04
10	A Okay.	02:30:05
11	Q -- by including the cost through the end	02:30:06
12	of the month, are you overstating that development	02:30:09
13	cost?	02:30:13
14	MR. MACK: Same objections.	02:30:14
15	A I mean, hypothetic -- hypothetically, I --	02:30:15
16	like, I think it's -- it's -- it's a potential --	02:30:20
17	there's a potential that if something is done	02:30:25
18	earlier, then it's not done later. I guess that's	02:30:28
19	what I'm understanding you saying.	02:30:31
20	Q (BY MS. CHANG) Let's say the development	02:30:33
21	cost --	02:30:35
22	A Right.	02:30:35
23	Q -- for December 2013 -- the month of	02:30:35
24	December 2013 is a hundred thousand dollars.	02:30:38
25	A Okay.	02:30:43

1	Q	Let's say development actually ends	02:30:44
2		somewhere in the month --	02:30:47
3	A	Okay.	02:30:49
4	Q	-- somewhere in the middle of the month.	02:30:50
5	A	All right.	02:30:53
6	Q	Would claiming a \$100,000 development cost	02:30:54
7		for December 2013 overstate the actual cost?	02:30:59
8		MR. MACK: Objection, form; beyond the	02:31:06
9		scope.	02:31:06
10	A	Again, it -- you would have to make a	02:31:07
11		whole series of other assumptions that, in fact, the	02:31:09
12		work -- the work and the dollars that are flowing	02:31:11
13		through in that later period are not attributable to	02:31:15
14		work that has already been completed that -- to	02:31:18
15		enable -- to enable -- in order -- in order to be	02:31:19
16		able to, like, differentiate, right.	02:31:21
17		Something about, you know, the way the	02:31:21
18		books are closed is they represent liabilities that	02:31:24
19		are indiscernibly captured in -- within a period.	02:31:26
20		So if you somehow sliced in a bright line	02:31:31
21		that everything is done, et cetera, and every single	02:31:36
22		person invoiced exactly on time as soon as it was	02:31:39
23		done, all of those things, then that's a	02:31:42
24		possibility, assuming there's a whole other set of	02:31:44
25		things potentially that have to go right to be able	02:31:47

1 to do that. 02:31:50

2 There is a possibility. I think the 02:31:51

3 circumstances would have to be very clear in that 02:31:53

4 situation. 02:31:57

5 Q (BY MS. CHANG) Do you know when 02:31:57

6 development of Trade Secret 7 was actually 02:32:00

7 completed? Trade Secret 7 claims a development cost 02:32:06

8 of [REDACTED] 02:32:11

9 MR. MACK: Objection, form; beyond the 02:32:14

10 scope. 02:32:14

11 A I -- I don't have the technical expertise 02:32:15

12 to -- to say when development of that trade secret 02:32:18

13 was completed, no. 02:32:21

14 Q (BY MS. CHANG) Trade Secret 9 also claims 02:32:24

15 a development cost of [REDACTED]. Do you know 02:32:26

16 when development of Trade Secret 9 was actually 02:32:29

17 completed? 02:32:34

18 MR. MACK: Same objections. 02:32:36

19 A So same -- same answer as the preceding 02:32:37

20 one. 02:32:40

21 Q (BY MS. CHANG) Trade Secret 13 claims a 02:32:40

22 development cost of [REDACTED]. Do you know when 02:32:43

23 development of Trade Secret 13 was actually 02:32:48

24 completed? 02:32:51

25 MR. MACK: Same objections. 02:32:51

1 A The same answer. And -- and to just kind 02:32:52
2 of clarify generally, I don't know the precise 02:32:55
3 period in which a given -- I don't have the 02:32:58
4 technical expertise to say when a precise 02:33:00
5 development of any trade secret was completed. 02:33:02
6 I -- I do understand that based off of 02:33:06
7 the -- the expertise, that the calculation 02:33:08
8 represents periods that have ended in the various 02:33:11
9 respective endpoints, which we have discussed in the 02:33:15
10 preceding questions. 02:33:17
11 Q (BY MS. CHANG) Is your testimony the same 02:33:20
12 for all the trade secrets that you do not know when 02:33:22
13 actual development for any of the nine trade secrets 02:33:26
14 at issue was actually completed? 02:33:29
15 MR. MACK: Objection, form; beyond the 02:33:34
16 scope. 02:33:34
17 A Correct. I do not have the technical 02:33:36
18 expertise to know when the -- the formula -- the 02:33:38
19 formulation, I think was the word you used, of 02:33:40
20 the -- the trade secrets was completed for any of 02:33:43
21 them. 02:33:46
22 What I do understand and know is that the 02:33:47
23 numbers in the responses to the interrogatories 02:33:49
24 represent the various time periods which we have 02:33:53
25 just discussed and that the numbers that I have 02:33:55

1	pointed out in -- in the data that we have provided	02:33:58
2	in Exhibit -- Exhibit 1400.	02:34:01
3	Q (BY MS. CHANG) To clarify, I asked about	02:34:03
4	when development of each of the trade secrets was	02:34:05
5	completed.	02:34:09
6	A Right. And -- and what I'm saying is to	02:34:10
7	the extent that I understand what informed the	02:34:12
8	number, that would be how I would understand that to	02:34:14
9	be true -- an ending would have occurred. Like, it	02:34:18
10	would have been complete -- formulation would be	02:34:22
11	complete.	02:34:26
12	Q Your understanding of when each of the	02:34:28
13	trade secrets completed development coincides with	02:34:30
14	the end period used to form the basis of the	02:34:36
15	calculation for the development cost?	02:34:44
16	MR. MACK: Objection, form; beyond the	02:34:48
17	scope.	02:34:48
18	A That would be my nontechnical	02:34:49
19	understanding.	02:34:52
20	Q (BY MS. CHANG) As an example, Trade	02:34:52
21	Secret 2 claims a development cost of [REDACTED],	02:34:54
22	which you testified was based on the entire program	02:35:01
23	spend for Waymo's self-driving system from inception	02:35:06
24	to 2015.	02:35:10
25	Based on that calculation, your	02:35:13

1 understanding is that Trade Secret 2 completed its 02:35:20
2 development in December 2015; is that right? 02:35:23
3 MR. MACK: Objection, form; beyond the 02:35:27
4 scope. 02:35:27
5 A That would be my nontechnical 02:35:29
6 understanding. 02:35:32
7 Q (BY MS. CHANG) I'm handing you what was 02:35:38
8 previously marked as Exhibit 1079. Exhibit 1079 is 02:35:40
9 Exhibit 1 to the Declaration of Jordan Jaffe in 02:36:11
10 support of Waymo's Motion for Preliminary 02:36:19
11 Injunction. I can represent that to you. 02:36:21
12 If you turn to the second page, this 02:36:26
13 document is identified as "Plaintiff's List of 02:36:31
14 Asserted Trade Secrets Pursuant to California Code 02:36:34
15 Civil Procedure Section 2019.210. 02:36:39
16 Do you recognize this document? 02:36:43
17 A No. 02:36:48
18 Q You have never seen this document before? 02:36:48
19 A No. 02:36:50
20 Q If you turn to page 2 of Exhibit 1079, it 02:37:25
21 reads, [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 02:37:50

1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED] 02:38:18
10 See supra paragraph 1, second bullet, for 02:38:22
11 reasonable steps -- steps taken to maintain secrecy. 02:38:26
12 [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED]
19 Is this the first time that you're seeing 02:39:07
20 a description of Trade Secret 2? 02:39:10
21 A Yes. 02:39:12
22 Q Do you know if Waymo's self-driving car 02:39:18
23 system has components other than [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED]
25 [REDACTED] 02:39:34

1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] 02:39:43
4 MR. MACK: Objection, form; beyond the 02:39:45
5 scope. 02:39:45
6 A Is -- if I could kind of try to synthesize 02:39:52
7 your question a bit. Like, essentially is -- is 02:39:56
8 there more to the self-driving system than a LiDAR? 02:39:58
9 Q (BY MS. CHANG) Yes. And specifically the 02:40:03
10 LiDAR described in the last bullet point of 02:40:04
11 paragraph -- paragraph 2. 02:40:07
12 MR. MACK: Same objections. 02:40:10
13 A Again, I'm not technically trained or -- 02:40:10
14 and I'm -- my general layman's understanding is that 02:40:14
15 there is more to our self-driving system than a 02:40:18
16 LiDAR, yes. 02:40:21
17 Q (BY MS. CHANG) If you turn to page 5, 02:40:23
18 Trade Secret 7 is listed on page 5. [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 02:41:14

EXHIBIT 4

**REDACTED VERSION
OF DOCUMENT SOUGHT
TO BE SEALED**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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6 WAYMO LLC,
7 Plaintiff,
8 vs. No. 3:17-cv-00939-WHA
9 UBER TECHNOLOGIES, INC.;
10 OTTOMOTTO LLC; OTTO TRUCKING,
11 INC.,
Defendants.

1

12
13 HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY

15 WAYMO LLC RULE 30(b)(6)
16 VIDEOTAPED DEPOSITION OF PIERRE-YVES DROZ
17 PALO ALTO, CALIFORNIA
18 THURSDAY, AUGUST 3, 2017

21 REPORTED BY:
22 ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~
23 CSR LICENSE NO. 9830
24 JOB NO. 2663199
25 PAGES 1 - 371

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4 -----
5 WAYMO LLC,
6 Plaintiff,
7 vs. No. 3:17-cv-00939-WHA
8 UBER TECHNOLOGIES, INC.;
9 OTTOMOTTO LLC; OTTO TRUCKING,
10 INC.,
11 Defendants.

13 Videotaped Deposition of Pierre-Yves Droz
14 taken on behalf of the Defendant, on August 3,
15 2017, at Morrison & Foerster LLP, 950 Page Mill
16 Road, Palo Alto, California, beginning 9:27 a.m.,
17 and commencing at 7:25 p.m., Pursuant to Notice,
18 and before me, ANDREA M. IGNACIO, CSR, RPR, CRR,
19 CLR ~ License No. 9830.

1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED] 13:33
13 MR. KIM: All right. 13:33
14 Q So I -- I don't understand why you're saying 13:33
15 from your personal knowledge. You know, we -- we 13:33
16 looked earlier at your deposition topics. 13:33
17 A Yep. Okay. 13:33
18 Q And Exhibit 1273 specifically asks for the 13:33
19 time cost and specific people involved in developing 13:33
20 each of the alleged trade secrets. 13:33
21 MR. JAFFE: Which topic are you reading from? 13:33
22 MR. KIM: Deposition Topic No. 9. 13:33
23 Q And so I'm asking you about the -- the cost 13:33
24 to implement [REDACTED] -- 13:33
25 A So, are you asking what -- 13:34

1 scope. 13:35

2 THE WITNESS: [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 13:35

10 MR. KIM: Q. So, you're not prepared to talk 13:35

11 about the cost of development of Trade Secret No. 2 as 13:35

12 Waymo's corporate designated witness; is that correct? 13:35

13 A I'm not. 13:35

14 (Document marked Exhibit 1278 13:36

15 for identification.) 13:36

16 THE VIDEOGRAPHER: 1278. 13:36

17 THE WITNESS: Thank you. 13:36

18 MR. KIM: So I've marked for identification, 13:36

19 as Exhibit No. 1278, an e-mail from John McCauley at 13:36

20 Quinn Emanuel, dated Wednesday, August 2nd, 2017, at 13:36

21 7:56 p.m. 13:36

22 Q And, if you look at the second paragraph, it 13:36

23 says: 13:36

24 "Waymo designates Mr. Droz to testify with 13:36

25 regard to Topics 9 and 10 of Uber's second 30(b) (6) 13:37